

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERT WOODWARD,

Petitioner,

v.

SCOTT SPEER,

Respondent.

CASE NO. 3:24-cv-06052-RAJ-GJL

REPORT AND RECOMMENDATION

NOTING DATE: **January 21, 2025**

The District Court has referred this federal habeas action to United States Magistrate Judge Grady J. Leupold. Petitioner Robert Woodward, proceeding *pro se*, initiated this action on December 26, 2024, by filing a Motion to Proceed *In Forma Pauperis* (Dkt. 1), a Proposed Petition (Dkt. 1-2), and other Proposed Motions and Requests (Dkts. 1-3, 1-4, 1-5, 1-6, 1-7). Upon review, the undersigned recommends the instant action be **DISMISSED without prejudice** as it is duplicative of another federal habeas action currently pending in this Court. It is further recommended the IFP Motion (Dkt. 1) and all other Proposed Motions and Requests (Dkts. 1-3, 1-4, 1-5, 1-6, 1-7) be **DENIED as moot**.

Federal courts “retain broad powers to prevent duplicative or unnecessary litigation.” *Slack v. McDaniel*, 529 U.S. 473, 478 (2000). “Plaintiffs generally have ‘no right to maintain

1 two separate actions involving the same subject matter at the same time in the same court and
2 against the same defendant.” *Adams v. Calif. Dep’t of Health Servs.*, 487 F.3d 684, 688 (9th Cir.
3 2007) (citation omitted) (affirming the dismissal of a later-filed duplicative lawsuit). “After
4 weighing the equities of the case, the district court may exercise its discretion to dismiss a
5 duplicative later-filed action.” *Adams*, 487 F.3d at 688. Thus, a district court may dismiss an
6 action that is clearly duplicative of a pending, earlier-filed action. *See e.g., Diaz v. Frauenheim*,
7 No. 5:19-cv-01441-PA (GJS), 2020 WL 730849, at *3 (C.D. Cal. Feb. 12, 2020).

8 In his Proposed Petition, Petitioner challenges a life sentence arising out of a state court
9 conviction entered in *State of Washington v. Robert Lucas Woodward*, Superior Court of
10 Washington for Mason County Case No. 11-1-00088-5. Dkt. 1-2 at 2. Although the Proposed
11 Petition is styled as one filed pursuant to 28 U.S.C. § 2241, the sole mechanism for obtaining
12 federal habeas relief by those in state confinement is a petition filed pursuant to 28 U.S.C. §
13 2254. *Dominguez v. Kernan*, 906 F.3d 1127, 1135–36 (9th Cir. 2018) (“[Section 2254] ‘is the
14 exclusive vehicle for a habeas petition by a state prisoner in custody pursuant to a state court
15 judgment, even when the petitioner is not challenging his underlying state court conviction.’”) (quoting
16 *White v. Lambert*, 370 F.3d 1002, 1009–10 (9th Cir. 2004)). Thus, the Court construes
17 the Proposed Petition as one filed under 28 U.S.C. § 2254.

18 Several months before he filed his Proposed Petition in this action, Petitioner initiated
19 two separate federal habeas actions challenging the same underlying state court conviction. *See*
20 *Woodward v. Bennett*, No. 3:24-cv-05442-BJR (W.D. Wash. filed Jun. 5, 2024); *Woodward v.*
21 *Bennett*, No. 3:24-cv-05540-JHC (W.D. Wash. filed Jul. 3, 2024). The second action was
22 dismissed as duplicative of the first. *Woodward*, No. 3:24-cv-05540-JHC at Dkt. 5, 6. And
23 currently pending in Petitioner’s first action is a recommendation of dismissal for failure to
24 exhaust state court remedies. *Woodward*, No. 3:24-cv-05442-BJR at Dkt. 26. If Petitioner

1 believes he has habeas claims that should not be dismissed for failure to exhaust, the proper
2 avenue for disputing this outcome is by filing objections to the pending Report and
3 Recommendation in his earlier-filed action, not by seeking a different outcome in this new
4 action.

5 Accordingly, the undersigned recommends the Proposed Petition (Dkt. 1-2) be **DENIED**
6 and this action be **DISMISSED without prejudice** because it is duplicative of an earlier-filed
7 habeas action that remains pending in this Court. Additionally, Petitioner's IFP Motion (Dkt. 1)
8 and his other Proposed Motions and Requests (Dkts. 1-3, 1-4, 1-5, 1-6, 1-7) should be **DENIED**
9 **as moot**. Finally, a certificate of appealability should be **DENIED** in this case.

10 Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), the parties
11 shall have fourteen (14) days from service of this report to file written objections. *See also* Fed.
12 R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for purposes of
13 *de novo* review by the district judge, *see* 28 U.S.C. § 636(b)(1)(C), and can result in a waiver of
14 those objections for purposes of appeal. *See Thomas v. Arn*, 474 U.S. 140, 142 (1985); *Miranda*
15 *v. Anchondo*, 684 F.3d 844, 848 (9th Cir. 2012) (citations omitted). Accommodating the time
16 limit imposed by Rule 72(b), the Clerk is directed to set the matter for consideration on **January**
17 **21, 2025**, as noted in the caption.

18 Dated this 6th day of January, 2025.

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21 Grady J. Leupold
22 United States Magistrate Judge
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